

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL VICKERS, *et al.*,

Plaintiffs,

Case No. 19-cv-12250
Hon. Matthew F. Leitman

v.

MT MORRIS TOWNSHIP, *et al.*,

Defendants.

ORDER (1) ADOPTING REPORT AND RECOMMENDATION (ECF No. 50) AND (2) DISMISSING PLAINTIFFS' AMENDED COMPLAINT (ECF No. 14) WITH PREJUDICE

In this action, Plaintiffs Michael Vickers and Jerrell Vickers bring claims against Defendants Mt. Morris Township, its police department, and various Township employees under 42 U.S.C. § 1983. (*See* Am. Compl., ECF No. 14.)

On August 17, 2022, the assigned Magistrate Judge issued a report and recommendation in which she recommended that the Court dismiss this action with prejudice due to Plaintiffs' repeated "violations of discovery rules and orders" (the "R&R"). (R&R, ECF No. 50, PageID.567.) The Magistrate Judge then described, at length, several discovery obligations and court orders that Plaintiffs had failed to comply with and/or violated. (*See id.*, PageID.568-570.) The Magistrate Judge concluded that "Given [P]laintiffs' repeated defiance of court orders and refusal to

comply with the discovery process, dismissal with prejudice is the only sanction that will protect the integrity of the judicial process.” (*Id.*, PageID.575.)

At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of her recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.576.)

Plaintiffs have not filed any objections to the R&R. Nor have they contacted the Court asking for more time to respond to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Plaintiffs have failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of this action is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiffs’ Amended Complaint (ECF No. 14) is **DISMISSED WITH PREJUDICE**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 30, 2022, by electronic means and/or ordinary mail.

s/D. Tofil
Case Manager